IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 122 of 1998

Between:

Rajakabhivrudhi Samstha, Yusufguda Tank (Reg.) rep. by its Treasurer

S. Balaswamy S/o Sayanna, aged 34 years, occ: Washerman,
H.No.8-3-228/1280/465, Jawaharnagar, Yosufguda, Hyderabad

..... PETITIONER

AND

1 The District Collector, Hyderabad
2 The Mandal Revenue Officer, Khairatabad Mandal, Khairatabad,Hyderabad
3 The Commissioner, MCH Tank Bund, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably Writ of Mandamus declaring the action of the respondents in trying to disturb and shifting the Dhobighat located in Sy.No.147 situated at Yusufguda Tank, Hyderabad as illegal, arbitrary and voilative of principles of natural justice and consequently direct the respondnets not to disturb the existing Dhobighta in any manner.

For the Petitioner: MR.KOWTURU VINAYA KUMAR, Advocate

For the Respondent Nos.1 and 2.: GP FOR REVENUE

For the Respondent No.3: G. Jyothi Kiran, S.C. for M.C.H.

The Court made the following :

ORAL ORDER

The petitioner, which is a society under the Societies Act, approached this Court and filed the present writ petition seeking a declaration that the action of the respondents in trying to disturb and shifting the Dhobighat situated in Survey No. 147 at Yousufguda tank, Hyderabad, as arbitrary and illegal and consequently for a direction not to disturb the existing dhobighat in any manner.

While admitting the writ petition, this Court by its order dated 2-1-1998 directed the respondents not to shift the existing dhobighat pending further orders.

Heard both the learned counsel.

It appears that as per the scheme formulated by the State Government, the District Collector, Hyderabad made proposals for the purpose of construction of dhobighat in Survey No.147 at Yousufguda as early as in the year 1984 and subsequently after completion of all the formalities, the District Collector, Hyderabad sanctioned a sum of Rs. 1,25,000/- and the petitioner-society also invested certain amounts and thus raised a dhobighat by investing a

total sum of Rs. 2,54,000/-. Now the grievance of the petitioner is that suddenly without intimation the respondents are trying to shift the dhobighat from the existing place to some other place in which event they would suffer irreparable loss.

No counter-affidavit is filed.

Excepting stating that there is a proposal to shift dhobighat from the existing place to some other place, no other material is placed by the petitioner to establish the fact that dhobighat is likely to be shifted. However, if really it is the intention of the Government to shift dhobighat from the existing place to some other place, the principles of natural justice require that the petitioner-society, who constructed the said dhobighat, shall have prior intimation and it is only after hearing the petitioner-society, the respondents may shift the dhobighat.

Accordingly I dispose of the writ petition directing the respondents not to shift the dhobighat without prior notice to the petitioner and hearing their objections. No costs.

6th December, 2004

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To,

1. The District Collector, Hyderabad,

2. The Mandal Revenue Officer, Khairatabad mandal, Khairatabad, Hyderabad,

3. The Commissioner, M.C.H. Tank bund, Hyderabad

4. 2 C.Cs to Govt. Pleader for Revenue, High Court buildings, Hyderabad (O.U.T.)

5. 2 C.D. copies.